

## LABOUR DEPARTMENT

The 9th 11th January, 1968

No. 247-3Lab-68/751.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/S Mechelec Engineers and Manufacturers, Gurgaon.

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH.

Reference No. 61 of 1967

*Between*

THE WORKMEN AND THE MANAGEMENT OF M/S MECHELEC ENGINEERS AND MANUFACTURERS, GURGAON.

*Present:*—Shri S.L. Gupta for the management.

Shri C.B. Kaushik for the workmen.

## AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Mechelec Engineers and Manufacturers, Gurgaon, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947.—*vide* Haryana Government Notification No. 263-SF-III-Lab-67/18909, dated 6th July, 1967. The only item of dispute as mentioned in the said notification is as under:—

1. Whether the workmen are entitled to the grant of bonus for the year 1965-66? If so, what should be the quantum of bonus and its terms and conditions?

On receipt of the reference in this Tribunal, usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. In their statement of claims the workmen stated as under:—

“Demand: Bonus for the year 1965-66—

As the management has earned huge profits during the year of 1965-66, hence the workmen are entitled for bonus at the rate of 20 per cent of total wages paid”.

In their written statement the management denied that they had earned any profit in the year in question and further stated “that the respondent management on account of recurring losses, has since closed down the factory and is no more engaged in the manufacturing activities”. The pleadings of the parties gave rise to only one issue which was precisely the same as the item of dispute. This issue was framed by me on the 6th of October, 1967 and the parties were directed to produce their evidence in respect of the same. The management produced only one witness Shri Jaitu Ram who is their accountant. He proved the copies of the trading and profit and loss accounts which had been produced by the management as Ex- R2 and also proved the balance-sheet for the year in question. The profit and loss account shows a net loss of over a thousand rupees to the management. He further stated that the factory had started manufacturing goods for the first time in the year 1962-63. The workmen produced one witness Shri Virinder Kumar whose statement was recorded as AW. 1. He merely stated that the factory started manufacturing goods in 1959-60 but did not rebut the evidence of RW.1 in any other way. After giving my careful consideration to the matter I feel that the demand of the workmen cannot be accepted. In the year in question the factory has suffered loss and no bonus is, therefore, payable. Even if the evidence of the workmen is accepted that the factory started manufacturing goods in the year 1959-60 the Payment of Bonus Act would not apply to the present case by reason of Section 16 of the said Act, and therefore, even the minimum bonus prescribed in that Act cannot be allowed to the workmen in the present case. The demand of the workmen is accordingly dismissed.

No order as to costs.

Dated 5th January, 1968

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.

No. 20, dated Chandigarh, the 5th January, 1968

The award be submitted to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana  
Chandigarh.